



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
DEPETRILLO et al.) Examiner: HOANG, T.
Application No: 10/601,711) Art Unit: 3742
Filed: June 20, 2003) Atty. Docket No: RONLP003
For: MODULAR ICP TORCH ASSEMBLY) Date: November 22, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 22, 2005.

Signed: _____

George Leavell

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received a Notice of Abandonment dated October 27, 2005 ("the Notice"). The Notice states that the subject application is abandoned because of the Applicants' failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date (i.e., October 20, 2004) of the Notice of Allowance ("the NOA"). The NOA indicated that the due date for the issue fee and publication fee for the subject application was January 21, 2005. As the Applicants timely submitted the issue fee and publication on January 14, 2005, Applicants request that the holding of abandonment be withdrawn.

As required by 37 C.F.R. § 1.8(b)(2), Applicants are attaching copies of the previously submitted Part B – FEE(S) TRANSMITTAL form ("the Fee Transmittal") and issue fee/publication fee check along with a Certificate of Mailing indicating that the form

Attorney Docket No: RONLP003

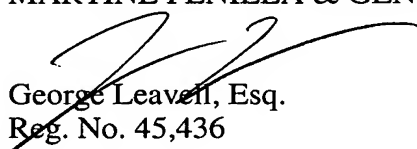
and check were deposited with the United States Postal Service on January 14, 2005.

Applicants also are attaching a copy of the return postcard submitted with these papers indicating that the United States Patent and Trademark Office ("the Office") received the form and check on January 18, 2005.

As required by 37 C.F.R. § 1.8(b)(3), Applicants respectfully submit that the attached documents and copy of the return postcard constitute *prima facie* evidence that the issue fee and publication fee were timely paid to the Office. Additionally, the undersigned attests to the timely mailing of the Fee Transmittal and issue/publication fee check on January 14, 2005 based on personal knowledge.

In view of the foregoing, Applicants submit that they have complied with the provisions of 37 C.F.R. § 1.8(b). Accordingly, Applicants request that the holding of abandonment be withdrawn and that this application be issued. In the event a telephone conversation would be helpful, the undersigned may be reached at (408) 744-6923. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. RONLP003).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



George Leaven, Esq.
Reg. No. 45,436

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94086
Telephone: (408) 749-6900



PATENT POSTCARD

Customer No. 25920

Socket No. **RONLP003**

Appln. No. **10/601,711**

Date: **January 14, 2005**

By: **GBL:mmw**

Filing Date: **June 20, 2003**

Express Mail No.:

Inventors: **DePetrillo et al.**

Title: **MODULAR ICP TORCH ASSEMBLY**

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- Part B - Fee(s) Transmittal (1 page, in duplicate)
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Issue Fee

1,400.00

10 Patent Copies

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Publication Fee

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MARTINE & PENILLA, LLP
U.S. Foreign
Docketed On: 1/14/05 By: ep
Action: ep
Due Date: 1/14/05
App. # 10/601,711 Socket # RONLP003



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